

- A. The informational privacy claim fails because Defendants have not disclosed Plaintiffs' transgender status and because Plaintiffs have not alleged any facts which implicate a fundamental right.
 - B. Plaintiffs' personal autonomy claim fails as a matter of law because neither the Supreme Court nor the Sixth Circuit has recognized a fundamental right to choose one's gender identity or to dictate which sex is listed on one's birth certificate.
3. Plaintiffs' First Amendment claim fails as a matter of law.
- A. The sex designation on birth certificates is government speech. Because it is not Plaintiffs' private speech, their compelled speech claim necessarily fails.
 - B. Even if the sex designation on birth certificates is private speech, Plaintiffs have made no plausible allegation that they have been forced to present their birth certificates to any third party.
 - C. Finally, since the sex designation on birth certificates is government speech, not private speech, Plaintiffs lack any First Amendment right to express their own views through that medium. Denying Plaintiffs the ability to amend their birth certificates to reflect their current gender identities thus does not infringe on their First Amendment rights.

For all of these reasons, all claims in the Complaint should be dismissed.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June 2019 I filed the foregoing electronically through the Court's CM/ECF System and thereby served the following:

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